

1 XAVIER BECERRA  
Attorney General of California  
2 DARRELL W. SPENCE, State Bar No. 248011  
Supervising Deputy Attorney General  
3 KIRIN K. GILL, State Bar No. 259968  
CHRISTINE M. MURPHY, State Bar No. 183835  
4 Deputy Attorneys General  
State Bar No. 259968  
5 1300 I Street, Suite 125  
6 P.O. Box 944255  
Sacramento, CA 94244-2550  
7 Telephone: (916) 210-6172  
Fax: (916) 324-5567  
8 E-mail: Kirin.Gill@doj.ca.gov  
E-mail: Christine.Murphy@doj.ca.gov  
9 *Attorneys for Defendants*  
*California Department of Education, Tony*  
10 *Thurmond, in his official capacity as the State*  
*Superintendent of Public Instruction, and*  
11 *State Board of Education*

12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 **EMMA C., et al.,**

15 Plaintiffs,

16 v.

17 **THURMOND, et al.,**

18 Defendants.

3:96-cv-04179-VC

**ADDENDUM TO STATE DEFENDANTS'  
RESPONSE TO ORDER RE FURTHER  
FILINGS ON SELECTION OF SMALL  
DISTRICTS FOR MONITORING (DKT.  
2584)**

Judge: The Honorable Vince Chhabria

Pursuant to the Court's June 18, 2020 Order re Further Filings on Selection of Small Districts for Monitoring (Dkt. 2584) (the "6/18/20 Order"), Defendants California Department of Education ("CDE"), Tony Thurmond, in his official capacity as the State Superintendent of Public Instruction, and State Board of Education ("SBE") (collectively, "State Defendants" or the "State") hereby submits this Addendum to their Response filed June 26, 2020 (Dkt. 2590 & 2590-1.) In its 6/18/20 Order, the Court asked the parties to address whether it "could be rational to exclude small school-aged LEAs from the intensive monitoring process entirely, for at least two reasons: (i) small LEAs perform better on the whole than large LEAs; and (ii) the process of targeted monitoring might end up being more comprehensive when applied to small LEAs." (Dkt. 2584 at 1-2). The State inadvertently omitted a direct response to this question, and answers as follows:

The State agrees that, as a whole, the data indicates that small LEAs generally appear to perform better than large LEAs. CDE is concerned, however, with intentionally designing a system that would exclude small LEA data entirely from its selection criteria with respect to a particular monitoring activity, including, for example, Intensive Review – School Age. As for whether it would be rational to exclude small LEAs entirely from selection for Intensive Review – School Age because targeted monitoring might end up being more comprehensive when applied to small LEAs, that question is better suited to Phase 3, when the legal sufficiency of particular monitoring activities will be addressed.

//

//

//

//

//

//

//

//

//

1 Dated: June 29, 2020

Respectfully submitted,

2 XAVIER BECERRA  
3 Attorney General of California  
4 DARRELL W. SPENCE  
Supervising Deputy Attorney General

/s/ Kirin K. Gill

/s/ Christine M. Murphy

KIRIN K. GILL

CHRISTINE M. MURPHY

Deputy Attorneys General

*Attorneys for Defendants*

*California Department of Education, Tony  
Thurmond, in his official capacity as the  
State Superintendent of Public Instruction,  
and State Board of Education*

11 SA2005104070

12 6-29 Emma C Addendum (003).docx

### CERTIFICATE OF SERVICE

Case Name: **Emma C., et al. v. Thurmond,  
et al.**

No. **3:96-cv-04179-VC**

I hereby certify that on June 29, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**ADDENDUM TO STATE DEFENDANTS' RESPONSE TO ORDER RE FURTHER  
FILINGS ON SELECTION OF SMALL DISTRICTS FOR MONITORING (DKT. 2584)**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 29, 2020, at Sacramento, California.

Natalie Y. Quinonez  
Declarant

/s/ Natalie Y. Quinonez  
Signature